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APPLICATION NO. FILING DATE FIRST NAMED INVENTOR ATTORNEY DOCKET NO. CONFIRMATION NO. 09/934,242 08/21/2001 Colin P. Hart 29985/01-009 8158 EXAMINER 4743 08/12/2004 MARSHALL, GERSTEIN & BORUN LLP FOX, JOHN C 6300 SEARS TOWER ART UNIT PAPER NUMBER 233 S. WACKER DRIVE CHICAGO, IL 60606 3753

DATE MAILED: 08/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

			X X
	W	Application No.	Applicant(s)
Office Action Summary	Ok	09/993,424 242	MAYDANICH ET AL.
		Examiner	Art Unit
		John Fox	3753
The MAILING DATE of this communicatio Period for Reply	n app	ears on the cover sheet wit	h the correspondence address
A SHORTENED STATUTORY PERIOD FOR R THE MAILING DATE OF THIS COMMUNICATI - Extensions of time may be available under the provisions of 37 C after SIX (6) MONTHS from the mailing date of this communicatic - If the period for reply specified above is less than thirty (30) days, - If NO period for reply is specified above, the maximum statutory of - Failure to reply within the set or extended period for reply will, by Any reply received by the Office later than three months after the earned patent term adjustment. See 37 CFR 1.704(b).	ION. FR 1.13 on. , a reply period wi statute,	66(a). In no event, however, may a re within the statutory minimum of thirty ill apply and will expire SIX (6) MONT cause the application to become AB/	ply be timely filed (30) days will be considered timely. HS from the mailing date of this communication. NDONED (35 U.S.C. § 133).
Status			
 Responsive to communication(s) filed on This action is FINAL. Since this application is in condition for al closed in accordance with the practice un 	This llowan	action is non-final. ace except for formal matte	· •
Disposition of Claims			
4) Claim(s) 1-17 is/are pending in the application 4a) Of the above claim(s) 17 is/are withdrast 5) Claim(s) 8-16 is/are allowed. 6) Claim(s) 1 is/are rejected. 7) Claim(s) 2-7 is/are objected to. 8) Claim(s) 1-17 are subject to restriction an application Papers 9) The specification is objected to by the Example 10 The drawing(s) filed on is/are: a) □	awn fr ad/or e aminer] acce	election requirement. r. epted or b)□ objected to b	
Applicant may not request that any objection to			* *
Replacement drawing sheet(s) including the cannot be said to be the cannot be calculated to the cannot be said to be said to be the cannot be said to be s			• •
Priority under 35 U.S.C. § 119		•	
12) Acknowledgment is made of a claim for for a) All b) Some * c) None of: 1. Certified copies of the priority docur 2. Certified copies of the priority docur 3. Copies of the certified copies of the application from the International But * See the attached detailed Office action for a	ments ments priori ureau	have been received. have been received in Apity documents have been (PCT Rule 17.2(a)).	plication No eceived in this National Stage
Attachment(s)			
1) Notice of References Cited (PTO-892)		4) 🔲 Interview Su	
 Notice of Draftsperson's Patent Drawing Review (PTO-9483) Information Disclosure Statement(s) (PTO-1449 or PTO/S Paper No(s)/Mail Date 8/20/01. 			/Mail Date ormal Patent Application (PTO-152)

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This action is responsive to the communication filed August 21, 2001.

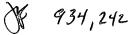
Restriction to one of the following inventions is required under 35 U.S.C. 121:

- Claims 1-16, drawn to a valve, classified in class 137, subclass
 877.
- II. Claim 17, drawn to a method of isolating a pressure transducer from a catheter line, classified in class 600, subclass 486.

The inventions are distinct, each from the other because of the following reasons:

Inventions II and I are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case, the method could be practiced by a materially different apparatus, such as a valve and catheter, in combination with a pressure transducer.

During a telephone conversation with Mr. Michael Hull on March 15, 2004 a provisional election was made with traverse to prosecute the



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invention of Group I, claims 1-16. Affirmation of this election must be made by applicant in replying to this Office action. Claim 17 is withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a nonelected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by WO 00/16849, of record. Conduit 14 forms the inlet and outlet and 51 the

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second outlet, the seat 59 is between 51 and 14, and seal 56 is between 59 and 14.

Claims 2-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 8-16 are allowed.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Fox whose telephone number is 703-308-2595. The examiner can normally be reached on Maximum Flextime.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Scherble can be reached on 703-308-1257. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

John Fox

Primary Examiner Art Unit 3753